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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,276	02/15/2002	Thomas H. Hesse	23741.00012	1103
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Squire, Sanders & Dempsey L.L.P. Two Renaissance Square 40 North Central Avenue, Suite 2700 Phoenix, AZ 85004-4498			AGDEPPA, HECTOR A	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/076,276	HESSE, THOMAS H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 February 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 24 is objected to because of the following informalities:

Claim 24 claims dependency on itself. Appropriate correction is required. For examination purposes, it is assumed claim 24 depends from claim 22.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 cites the limitation "the plurality" in line 4. It is unclear what plurality is being referred to. For examination purposes, it is assumed that "the plurality" refers to the aforementioned plurality of means in line 3.

Claim 5 also cites the limitation, "for participating of the plurality;" It is unclear what this means. For examination purposes, it is assumed that this limitation merely means that the plurality of means is arranged in at least one site for participating in a conference.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 9 and 13 – 22, and 24 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0053612 (Henrikson et al.) in view of US 6,205,716 (Peltz)

As to claims 1, 2, 13, and 16, Henrikson et al. teaches a multimedia conferencing system and method wherein a database 160 is connected to either one of, or all of a mobile network, the PSTN, an IP network, for keeping participant information including, inherently a participant identifier. An identifier is inherent because contact information, schedule information, and availability of participants is maintained. There is no way to do this without some type of participant identifier associated with a participant. (Fig. 1, p. 3, ¶ 0022 – 0023 of Henrikson et al.) Moreover, Henrikson et al. teaches that all participants, read as the claimed first and second participants have such information associated with them.

Henrikson et al. teaches multiple sites such as user terminals 102 and telephone 144. (Fig. 1 of Henrikson et al.) Moreover, each of these sites or terminals inherently has means for coordinating a conference. They must in order for a conference to be held using these sites and/or devices.

Henrikson et al. also teaches the ability for a user to schedule a conference, wherein scheduling that conference call includes inputting a participant list, which

inherently means that the conference is scheduled with a participant identifier. (P. 2 – 3, ¶ 0022 of Henrikson et al.)

Finally, Henrikson et al. teaches that before a conference's scheduled start time, confirmation of all the participants and resources/equipment is established, by notifying the participants and by checking the status of the resources. Such reads on the claimed providing notice and assuring participation. (P. 3, ¶ 0025 – 0028 of Henrikson et al.)

What Henrikson et al. does not exactly teach is a plurality of means at each site. It could be argued that Henrikson et al. merely does not show every device from which a conference can be made. But even if, for example, each device 102 is a mobile conferencing device and such does not constitute a "site," conference sites are extremely old and well known. In fact, this is the original way of conferencing, wherein there would be two conference rooms, for example, each conference room having a plurality of speakers or conferencing devices – one for each conferee would be used.

Peltz teaches an updated system such as this. (Figs. 10 and 11 and Col. 15, lines 10 – 46 of Peltz)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed for the system of Henrikson et al. to be used in a "site" manner inasmuch as the system of Henrikson et al. focuses on the scheduling and confirmation aspects of conferencing, wherein participants do not have to be located at a certain physical site, although they could be. Of course, if someone is using a landline telephone, such as telephone 144 discussed above, they inherently are

at a location or site. There simply could be a plurality of telephones 144. Also, Peltz focuses more on an actual "site" where conferencing make take place. And the conferencing controls of Henrikson et al. could easily be used to connect participants at the sites taught by Peltz. See also P. 4, ¶ 0032 of Henrikson et al.

As to claims 3, 4, and 14, Peltz teaches that the modular video conference enclosure could be used in a prison setting or that of a private and/or secure nature. (Col. 5, lines 62 – 67 of Peltz) Therefore, one of the participant identifiers would be that of a prisoner. The other identifier would either be that of a visitor, guard, judge, attorney, etc. Anyone may be conferee.

As to claim 5, see the rejection of claim 1. Moreover, a notification directing a participant to a means for participating could merely mean a notification telling that participant to go to a particular telephone or location or site. Such would have been obvious in the invention of Henrikson et al. and Peltz inasmuch as a notification can given for anything, including where a conference site is to be held, how to commence the conference, etc. A notification is usually just a recorded message and again, anything can be recorded in a message. In the invention of Peltz, as seen in Figs 10 and 11, a participant could merely be notified of which one of the booths they should go to. In Henrikson et al., a notification is already given to confirm a participant's presence in the conference and it would be a mere design choice to also include in that notification, directions that the participant should use a particular site or conferencing device.

As to claim 6, see the rejection of claim 5. Moreover, knowing the location of a calling or called party or conference participant is very old and well known, as is directing a person to a nearest location, whether that location is for conferencing or for some other purpose. In the call center arts, a calling party can be directed to the closest service center. In the directory assistance arts, callers can be directed to the closest service provider of whatever service is desired. Because Henrikson et al. teaches confirming a participant's presence before a conference begins, it is inherent that the person's location is known and to direct them to a nearest conference site would merely be a design choice or preference that simply increases user-friendliness of the system.

As to claims 7 and 8, Henrikson et al. teaches that the conference scheduler/requester determines the participants as well as the needed resources. Therefore, the coordinating means is operated by a person, i.e., the scheduler/requester, which could also be read as a coordinator. (P. 3, ¶ 0022 – 0024 of Henrikson et al.) Also, it is very old and well known to have an actual conference operator/coordinator setting up a conference. More frequently, however, conference systems have been leaning towards allowing users to control conferences, eliminating time and a middle person, such as a coordinator, in order to save time and money.

As to claim 9, see the rejection of claim 1. Henrikson et al. further teaches that notification of an upcoming conference is sent to each participant's conference device, either via audio, email, video, etc., wherein that notification includes a conference start date and time. Of course, any user terminal, whether a telephone, mobile device,

computer inherently has the means to store information received in the above means. If audio, a telephone could store that information as voice mail. If video or email, such a notification could be stored on a computer. (P. 3, ¶ 0026 of Henrikson et al.)

Also, while Henrikson et al. does not explicitly teach that such a notification includes potential participants, any information could be sent along with the notification such as any materials, files, listing of attributes for the call. At the lease, the potential participants would be considered an attribute of the call, just as conference resources like conference bridges, whether the conference will involve video or just voice, etc. Moreover, as discussed above, Henrikson et al. already gathers a list of participants and so it would be obvious at least, to merely send such information as well. (P. 3, ¶ 0022 - 0026 of Henrikson et al.)

Lastly, Henrikson et al. teaches that if confirmation is not received from, for example, required participants, a conference can be aborted. Because the confirmation request is sent along with the above-discussed notification, confirmation response is received from a participant terminal which of course is the means for initiating communication in a conference.

As to claim 15, see the above rejections of claims 3, 4, and 14. Moreover, any type of identifying or associated information can be input into a database. Henrikson et al. teaches incorporation contact information for a participant. Obviously, in a prison setting, information such as a visitor's relationship would also likely be stored for record-keeping, statistical purposes, safety purposes, etc.

As to claim 17, see the rejection of claim 5 and note also, that participant information may also include a telephone address or IP address, i.e., an identifier of a participant station. (P. 3, ¶ 0022 of Henrikson et al.)

As to claim 18, see the above discussion of Peltz and note that the kiosks taught by Peltz could be a self-service station by virtue of the fact that it is called a kiosk. Kiosks are generally used for public informational purposes in a self-service manner. As seen in Figs. 1 – 12 of Peltz, there is no need for a separate operator.

As to claim 19, see the rejection of claim 8.

As to claim 20, see P. 3 ¶ 0022 – 0026 of Henrikson et al. Henrikson et al. teaches that a conference requestor or coordinator sets up the operating parameters for a conference and can send in the above-discussed notification, any materials or information needed to the other conference participants. Such reads upon the claimed advising step.

As to claim 21, see the rejection of claim 9 and note that such information could also be sent in the notification because Henrikson et al. already teaches checking the schedules and calendars of participants. Inherently, a calendar would contain possible other conferences that participant is already scheduled for. (P. 3, ¶ 0025 of Henrikson et al.)

As to claim 22, see the rejection of claim 1 and note that tuples are merely ordered sets of information or the actual pieces of information in a database. Therefore, all of the information discussed above would be the tuple or would be associated with a tuple in database 160 of Henrikson et al.

As to claim 24, see the rejection of claim 1. Also note that Henrikson et al. teaches sending the above-discussed notification once the conference time is approaching. Inherently, this means timely notification. (P. 4, ¶ 0033 of Henrikson et al.)

As to claim 25, see P. 4, ¶ 0030 – 0034 of Henrikson et al.)

As to claims 26 and 27, see the rejection of claims 22 and 24.

As to claim 28, see the rejections of claims 22, 24, 26, and 27. Also note that Henrikson et al. teaches locating a participant at an alternate number. (P. 4 ¶ 0032 of Henrikson et al.) It would have been obvious to allow substitution of another actual participant instead of merely an alternate number simply because the alternate number of Henrikson et al. could actually refer to another person whom the original participant designates as an alternate by submitting their number as his/her own alternate number.

As to claim 29, see the rejection of claim 1 wherein it is taught by Henrikson et al. that a participant is a human one.

As to claims 30 and 31, participant availability has already been discussed above. While Henrikson et al. does not teach the specifics of how availability is checked and how conferences are scheduled or rescheduled, creating lists of the claimed future times and unavailable times is essentially the same as a participant's schedule. The schedule would have listed or recorded therein any future conferences that participant is scheduled for as well as any future times, the participant is available, i.e., open time slots. Moreover, it is inherent that some comparison of this information is

done by Henrikson et al. inasmuch as there would be no way to effectively schedule conferences unless available and unavailable times are compared for a participant.

Also, it is inherent that the database 160 of Henrikson et al. or some other database stores conference start times. There would be no other way for requested conferences to be scheduled. If a start time was not recorded in a database, the scheduling function becomes useless.

As to claim 32, prioritized conferences are extremely old and well known and would be an obvious feature to include in the systems of Henrikson et al. and Peltz inasmuch as such a feature deals only with the scheduling aspect. Clearly, Henrikson et al. at least contemplates priority functionality since certain participants can be required while others are not, as discussed above. Therefore, there is motivation for adding such functionality to Henrikson et al. and would not teach away from Henrikson et al.

As to claim 33, Henrikson et al. teaches that a conference may be tentatively scheduled and then if a conference requestor chooses to, the conference can continue or be canceled, and of course, rescheduled if desired. (P. 4, ¶ 0030 – 0031 of Henrikson et al.) The tentatively scheduled conference reads on the claimed first conference and a new conference that a requestor schedules reads on the claimed second conference.

As to claim 34, Henrikson et al. teaches contemplating whether all the required participants and resources are available for a conference. As discussed above in

claims 30 – 33, a schedule can include conferences whether rescheduled or as originally scheduled.

As to claim 35, see the rejection of claim 30.

4. Claims 10 – 12, 23, and 36 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0053612 (Henrikson et al.) in view of US 6,205,716 (Peltz) and further in view of US 4,965,819 (Kannes).

As to claim 10, Henrikson et al. and Peltz have been discussed above. What they do not teach is the detection of the beginning use of a station by a participant.

In almost any modern conference system, voice sensing means are old and well known, and are used so that even in a strictly audio conference, the participant presently speaking may be identified. Kannes teaches such a voice sensing means which can sense when a participant is speaking and of course, this would include the beginning use of a station by a participant. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed for such a voice sensing means in the inventions of Henrikson et al. and Peltz inasmuch as Kannes also teaches a video conferencing means for use in private or secure situations and merely exemplifies the above-discussed old and well known teachings in the art.

Because Henrikson et al. contemplates multimedia conferencing including audio only conferences, such a feature would have ample motivation for use because it is difficult to hold a conference and participate when it is not known who is speaking.

In Peltz, as in Kannes, video conferencing is contemplated and there would also be motivation for such sensing means inasmuch as in Kannes, voice sensing means can be used to provide a user-friendly feature of showing the current speaker in the largest display on the video display. (Figs. 4a-4b and Col. 5, lines 32 – 65 of Kannes)

As to claim 11, see the rejection of claims 9 and 10. Also, again, as discussed above, the notification sent by Henrikson et al. can include any type of information, including information that the presence of a required participant has not been confirmed. It would have been obvious for one of ordinary skill in the art at the time the invention was made to do the same for indicating the actual start of a conference. The motivation for such a feature is that Henrikson et al. teaches that even if a required participant is unavailable, a conference can still be started. Such is merely another user-friendly feature. (P. 3, ¶ 0027 of Henrikson et al.)

As to claim 12, Kannes teaches voice sensing means, but detection of a handset going off-hook is very old and well known and so it would have been obvious for one of ordinary skill in the art to have used this as a signal. Henrikson et al. teaches multimedia conferencing, including audio-only conferencing which of course would involve using a telephone handset. See also Col. 5, lines 1 – 5 of Kannes where communication may be done via a telephone 32.

As to claim 23, see the rejection of claims 10 – 12. Also, Kannes teaches using an audio signal comparator circuit. (Col. 15, lines 27 – 55 of Kannes)

As to claim 36, see the rejection of claims 1 and 10 – 12.

As to claim 37, see the rejection of claims 1 and 9.

As to claim 38, see the rejection of claims 1, 10 – 12, and 33.

As to claim 39, while Henrikson et al. teaches a single database 160, it would have been obvious for one of ordinary skill in the art to have used a distributed system wherein the information in database 160 is distributed to the databases residing at user terminals. Such is merely a design choice or preference. The motivation for using either method involves desired speed of operation and desired efficiency of operation. Some designers might want to use a single database because updating information is simple as only one database has to be updated. However, sometimes for speed, distributed systems are better, although updates become difficult because multiple databases must be updated instead of just one.

See also the rejection of claim 5.

As to claim 40, again, as discussed above, Henrikson et al. teaches “scheduling” a conference and being able to avoid conflicts in scheduling. If only start times were used, there would be no way to avoid conflicts or even schedule more than a set number of conferences, because theoretically, without an end time, the schedule would show that after one start time, a participant would forever be scheduled afterwards.

As to the decoupling limitation, especially when conferences are charged on a per-conference basis, such as would be contemplated by the self-service kiosks of Peltz discussed above, it would at least have been obvious for one of ordinary skill in the art to disconnect the participants. Again, if not, participants could forever tie up the conferencing resources.

As to claims 41 – 43, such limitations are merely user-friendly features and are well known in this art as well as in many other telephony and computer arts. If a start time and end time are known by a system, it is merely a design choice or preference to show remaining time. Moreover, as discussed above, notifications of any type can be given to a participant which includes instructions to stop conferencing or leave the station.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,408,518 (Yunoki) teaches a teleconference system which has notification and scheduling features. US 2004/0047460 (Adams et al.) teaches a method for conferencing which allows for pre-set participant lists and contact information to be used for on-the-fly conferencing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.A.A.  
April 16, 2004



AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600